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**DALINA LAW GROUP, P.C.
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LA JOLLA, CA 92037**

In re Application of :
Ariel Hazi, et al. :
Application No. 09/577,268 : **DECISION ON PETITION**
Filed: May 23, 2000 :
Attorney's Docket No. 254/147 :

This is a decision on the Request For Reconsideration Of Petition To Withdraw Holding Of Abandonment And Request To Issue Patent, received in the United States Patent and Trademark Office (USPTO) via facsimile transmission on May 23, 2005 and again submitted with the Retransmission Of Request For Reconsideration Of Petition To Withdraw Holding Of Abandonment And Request To Issue Patent, received on September 7, 2005.

Petitioner now argues that the Examiner violated 37 C.F.R. 313(b) 1-4 by sending a Corrected Notice of Allowance on July 22, 2004 even though the Issue Fee was paid. Further indicates that there were no mistakes in the prosecution of the application and the Examiner erred by sending a "corrected" Notice of Allowance. Also notes that to withdraw an accepted application from issue under these circumstances is a clear violation of 37 CFR 313 and would be inappropriate.

The petition is **DISMISSED**.

The Office of Patent Publication properly abandoned the patent application due to applicant's failure to return Part B – Fee(s) Transmittal, mailed July 22, 2004, although the fee due indicated thereon was \$0.

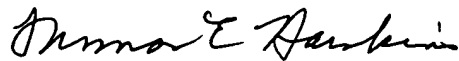
As noted in the Decision On Petition, mailed March 23, 2005, the following text as indicated on the Corrected Notice Of Allowance And Fee (s) Due that :

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THE APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

In regards to the petitioner's statement that the Examiner erred by sending a "corrected" Notice of Allowance and that the Examiner is in violation of 37 CFR 1.313, this matter should be directed to Examiner, Wynn Coggins, Art Unit 3565 by the filing a petition under 37 CFR 1.181(c) or file a Petition For Revival Under 37 CFR § 1.137, which should be directed to the Office of Petitions.

By mail: Commissioner for Patents
 P O Box 1450
 Mail Stop Petitions
 Alexandria, VA 22313-1450

Telephone inquires concerning this decision may be directed to the undersigned at 703-308-9250.



Thomas E. Hawkins
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